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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,431	12/14/2001	David W. Presby	PY 1105-ECAP	2347

7590 04/11/2003

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EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 04/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/023,431

Applicant(s)

Presby

Examiner

James F. Hook

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3752



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, and 19 is/are rejected.
- 7) ☒ Claim(s) 10, 17, 18, and 20 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Burelle. The patent to Burelle discloses the recited end cap for a conduit comprising an end piece 3 or 3', a circumferential skirt 10 attached around the end piece, and where the circumferential skirt comprises a plurality of connection tabs 11 spaced circumferentially around the skirt, wherein the tabs have angled faces and there is at least one hole cut in the top of the end piece for receiving a pipe.
3. Claims 1, 6, 7, 11-14, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Unke. The patent to Unke discloses the recited end cap for a conduit comprising an end piece 14 having a rounded convex surface, a circumferential skirt 12 attached around the end piece and formed of the same material as the end piece, specifically metal, where the circumferential skirt comprises a plurality of connection tabs 17 spaced circumferentially around the skirt, wherein the tabs have angled faces and there is at least one hole 19 cut in the top of the

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end piece which is considered capable of receiving another pipe, flange 15 provides the end piece with a strengthened surface integral thereto, the skirt has integral structure shown as the ribs outside of the face 12 in figure 6 which inherently would give the skirt added strength in that area of the tabs, and the strengthening structures are formed of the same material as the rest of the cap structure.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burelle in view of Hodge. The patent to Burelle discloses all of the recited structure with the exception of forming the tabs as legs hingedly attached to the skirt in a plurality of openings, and specific angles of the angled part of the legs. It is considered an obvious choice of mechanical expedients to vary the angle of the wedge leg to meet the needs of the user as such would only require routine skill in the art and routine experimentation to arrive at optimum values, and obvious to modify the wedge shaped legs in Burelle in such a manner. The patent to Hodge discloses the recited end cap for a conduit comprising a skirt portion 17 provided with a plurality of angled

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tabs 18 which can be seen to be hingedly attached to the skirt and formed inside of cut out portion which are considered as openings. It would have been obvious to one skilled in the art to modify the tabs in Burelle by forming them with hinged connections to the skirt and be provided in openings to allow for greater flexibility and allow for easier attachment as suggested by Hodge.

6. Claims 8, 9, and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burelle in view of Flimon. The patent to Burelle discloses all of the recited structure with the exception of forming the ring of the end cap with a plurality of fingers hingedly attached to the ring and protruding toward the center of the opening and forming a strengthened end surface. The patent to Flimon discloses the recited end cap comprising a skirt 2 extending from an end portion 10 which is formed with a thicker portion that would inherently provide more strength to the end surface and a plurality of fingers 12 that hingedly attach to the ring shaped end piece 3 to allow for the receiving of articles into the pipe. It would have been obvious to one skilled in the art to modify the end cap of Burelle by providing a thicker portion to strengthen the end cap, and to provide a ring shaped structure provided with fingers that hingedly attach to the ring to protect the inside of the tube as things are inserted into the end of the tube as suggested by Flimon.

*Allowable Subject Matter*

7. Claims 10, 17, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

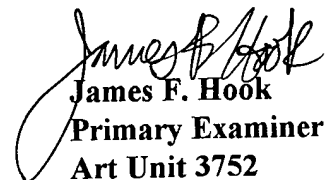
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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Sahlstrom, Gramain, Terauds, Stull, and Kaneko disclosing state of the art end caps.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hook whose telephone number is (703) 308-2913.

J. Hook  
April 7, 2003

  
**James F. Hook**  
**Primary Examiner**  
**Art Unit 3752**